

MORGAN, BROWN & JOY LLP

ATTORNEYS AT LAW

200 STATE STREET

BOSTON, MASSACHUSETTS 02109-2605

TELEPHONE (617) 523-6666

FACSIMILE (617) 367-3125

July 7, 2005

United States District Court
Office of the Clerk
United States Courthouse
One Courthouse Way, Suite 2300
Boston, MA 02210

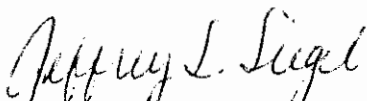
Re: Anthony Freitas v. RadioShack Corporation
Civil Action No.

Dear Sir or Madam:

Enclosed please find a complete certified copy of all records and docket entries in the above-captioned state court action, in accordance with Federal court Local Rule 81.1.

Thank you for your assistance with this matter. Please call me should you have any questions or concerns.

Very truly yours,


Jeffrey S. Siegel

JSS/kmc
Enclosures

cc: Ara H. Margosian II (Counsel for Plaintiff)

Anthont Freitas

vs.

Radioshack Corp.

Removal To US District Court

CLERK
U.S. DISTRICT COURT
JUL 12 2005
FBI

**Commonwealth of Massachusetts
SUPERIOR COURT DEPARTMENT
THE TRIAL COURT
CAMBRIDGE**

MICV2005-01838

I, Anne M. Cherubino, Deputy Assistant Clerk of the Superior Court, within and for said County of Middlesex, do certify that the annexed papers are true copies made by photographic process of pleadings entered in the Superior Court on the 31st of May, in the year of our Lord, Two Thousand Five

In testimony whereof, I hereunto set my hand and affix the seal of said Superior Court, at Cambridge, in said County, this 27th of June, in the year of our Lord, Two Thousand Five


Deputy Assistant Clerk



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

2005 JUN 27 P 2:14

ANTHONY FREITAS

Plaintiff

v.

RADIOSHACK CORPORATION,

Defendants.

Civil Action No.

05 11343 RWZ

COPY

I hereby certify on 6/27/05 that the foregoing document is true and correct copy of the
☐ electronic docket in the captioned case
☐ electronically filed original filed on 6/27/05
☒ original filed in my office on 6/27/05

Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts

By: _____
Deputy Clerk

NOTICE OF REMOVAL

Defendant RadioShack Corporation ("RadioShack") hereby gives notice of the removal of the case described below to this Court pursuant to 28 U.S.C. §§ 1332 and 1446. In support of this removal petition RadioShack states the following:

I. INTRODUCTION

This case arises from the termination of Plaintiff's employment by RadioShack on or about July 29, 2003.

On or about June 3, 2005, Plaintiff filed a complaint alleging discrimination on the basis of disability/handicap in violation of M.G.L. c. 151B, § 4(16) and wrongful discharge in the Superior Court Department of the Trial Court for the Commonwealth of Massachusetts, Middlesex County, Case Number 05-1838. On June 7, 2005, RadioShack was served with a Summons and Complaint, copies of which are attached hereto as Exhibit A. RadioShack is required to file a pleading in response to the Complaint on or before June 27, 2005.

As RadioShack more fully states below, removal of this matter is proper under 28 U.S.C. § 1332 based on diversity jurisdiction.

II. DIVERSITY JURISDICTION

Pursuant to 28 U.S.C. § 1332(a), this Court has original jurisdiction over actions between citizens of different states where the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

Plaintiff is a citizen of the Commonwealth of Massachusetts who resides in Waltham, Massachusetts.

RadioShack is a Delaware corporation, with its principal place of business in Fort Worth, Texas. Defendant, therefore, is a citizen of the State of Texas.

Plaintiff is claiming damages including lost wages, attorneys' fees, costs and expenses, economic injury and other harm. Plaintiff's claim for damages, therefore, exceeds \$75,000, exclusive of interest and costs.

Because Plaintiff is a citizen of Massachusetts and Defendant is a citizen of Texas, this Court has original jurisdiction over this action pursuant to the provisions of 28 U.S.C. § 1332(a)(1) .

III. OTHER REMOVAL MATTERS

RadioShack reserves the right to amend or supplement this Notice of Removal.

There have been no pleadings served upon RadioShack other than the Summons and Complaint.

This Notice of Removal is filed within 30 days of service upon RadioShack of the Summons and Complaint in compliance with 28 U.S.C. § 1446(b).

Pursuant to 28 U.S.C. § 1446(d), RadioShack shall give Plaintiff written notice of the filing of this Notice of Removal and shall file a written notice of this Notice of Removal with the Clerk of the Superior Court Department of the Trial Court for the Commonwealth of

Massachusetts, Middlesex County, Massachusetts, attaching a file stamped copy of this Notice of Removal.

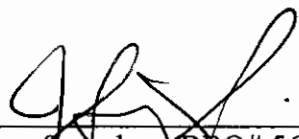
Pursuant to 28 U.S.C. §§ 1332 and 1446 this action is removable to the United States District Court for the District of Massachusetts.

WHEREFORE, RadioShack gives notice that *Anthony Freitas v. RadioShack Corporation*, Superior Court Department of the Trial Court Civil Action Number 05-1838 is removed to the United States District Court for the District of Massachusetts.

Respectfully submitted,

RADIOSHACK CORPORATION

By its attorneys,

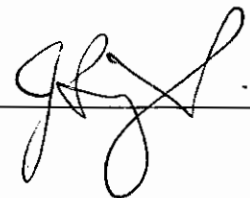


Diane Saunders (BBO# 562872)
Jeffrey S. Siegel (BBO# 647148)
MORGAN, BROWN & JOY, LLP
200 State Street
Boston, MA 02109-2605
(617) 523-6666

Dated: 6/27/05

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel for plaintiff, Ara H. Margosian II, Esq., 415 Mt. Auburn Street, Watertown, MA 02472, by first-class U.S. mail this 27th day of June 2005.



JUN 8 2005

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —
 TORT — MOTOR VEHICLE TORT — CONTRACT —
 EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
 DEPARTMENT
 OF THE
 TRIAL COURT
 CIVIL ACTION

No. 05-1838

MIDDLESEX , ss
 [seal]

Anthony Freitas , Plaintiff(s)

v.

Radioshack Corporation Defendant(s)

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon Ara H. Margosian II, P.C.
415 Mt. Auburn
St., Watertown, MA 02472 plaintiff's attorney, whose address is
, an answer to the complaint which is herewith
 served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you
 fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also
 required to file your answer to the complaint in the office of the Clerk of this court at Middlesex
Street, Cambridge, MA 02141
Superior Court, 40 Thorndike either before service upon plaintiff's attorney or within a
 reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may
 have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's
 claim or you will thereafter be barred from making such claim in any other action.

Barbara J. Rouse

Witness, Suzanne V. DeVecchio, Esquire, at
 the 3rd day of June
, in the year of our Lord 2005

A true copy, Attest:

6/7/05 19 Deputy Sheriff, Suffolk County

Edward J. Sullivan
 Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

NOTICE TO DEFENDANT — You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

CIVIL ACTION COVER SHEET		Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT County: <u>Middlesex</u>		Docket Number
PLAINTIFF(S) <u>Anthony Freitas</u>		DEFENDANT(S) <u>Radioshack Corporation</u>		
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE <u>Ara H., Margosian II, Law Offices of Ara H. Margosian,</u> <u>415 Mount Auburn St., Watertown, MA 02472</u> <u>Board of Bar Overseers number: 560556</u>		ATTORNEY (if known) <u>Ara H. Margosian,</u> <u>(617) 926-8944</u>		

Origin code and track designation

Place an x in one box only:

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1. F01 Original Complaint | <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) |
| <input checked="" type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s. 104 (Before trial) (F) | <input type="checkbox"/> 5. F05 Reactivated after rescript, relief from judgment/ Order (Mass.R.Civ.P. 60) (X) |
| <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231, s. 102C (X) | <input type="checkbox"/> 6. E10 Summary Process Appeal (X) |

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
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<u>B22</u>	<u>Employment Discrimination (F)</u>		(XX) Yes () No
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The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

- A. Documented medical expenses to date:
- | | | |
|------------------------------------|----|-------|
| 1. Total hospital expenses | \$ | |
| 2. Total Doctor expenses | \$ | |
| 3. Total chiropractic expenses | \$ | |
| 4. Total physical therapy expenses | \$ | |
| 5. Total other expenses (describe) | \$ | |
| Subtotal | | \$ |
- B. Documented lost wages and compensation to date \$7,000.00
- C. Documented property damages to date \$
- D. Reasonably anticipated future medical and hospital expenses \$
- E. Reasonably anticipated lost wages \$
- F. Other documented items of damages (describe) \$
- G. Brief description of plaintiff's injury, including nature and extent of injury (describe)
- The Plaintiff was discriminated against and wrongfully terminated by the Defendant due to his handicap.
- \$75,000.00
- TOTAL: \$79,000.00

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods.

Signature of Attorney of Record

DATE: 5/24/05

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

MIDDLESEX SUPERIOR COURT
NO. _____

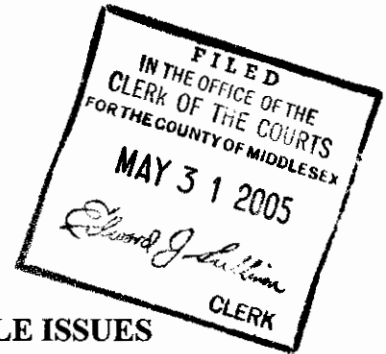
05-1838

ANTHONY FREITAS
Plaintiff

v.

RADIOSHACK CORPORATION,
Defendant

COMPLAINT



PLAINTIFF REQUESTS A JURY TRIAL ON ALL TRIABLE ISSUES

PARTIES

1. The Plaintiff, Anthony Freitas (hereinafter "Plaintiff"), a natural person, resides at 37 Melvern Street, Waltham, Massachusetts, Middlesex County, Commonwealth of Massachusetts.
2. The Defendant, Radioshack Corporation (hereinafter "Defendant"), a Delaware Corporation with a principal place of business at 100 Throckmorton Street, #1800, Fort Worth, Texas and its registered agent is Corporation Service Company of 84 State Street, Boston, Suffolk County, Commonwealth of Massachusetts.

7541E000005/31/05 CIVIL 240.00
7541E000005/31/05 SUR CHARGE 15.00
7541E000005/31/05 SUMMONS 5.00
7541E000005/31/05 SECC 20.00

FACTS

3. On or about January 17, 2003, the Plaintiff began his employment as a sales associate for the Defendant.
4. The Plaintiff was employed as a sales associate at the Waltham branch located at 852 Lexington Street, Waltham, Middlesex County, Massachusetts.

5. He was employed as a full-time employee and was working at least forty (40) hours a week, with a five (5) day work week.
6. The Plaintiff's initial interview was conducted at the RadioShack location in Harvard Square, Cambridge, Massachusetts.
7. The Plaintiff was immediately offered a position with the Defendant.
8. The Plaintiff was required to complete further paperwork at Defendant's regional office located on Commonwealth Avenue, Boston, Massachusetts, upon being hired.
9. At the Defendant's regional office, the Plaintiff had to complete a job form where he disclosed that he suffered from Type 1 diabetes.
10. The Plaintiff has suffered with Type 1 diabetes since 1998.
11. The Plaintiff was promoted to the position of Assistant Manager, after a few months on the job, and was given an American Express gift certificate to reward his hard work and high sales.
12. Due to his hard work, the Plaintiff was given a .5% raise to his commission percentage.
13. The Defendant's local Waltham branch had only two employees working there, during the months of March and April, 2003.
14. The Plaintiff often worked fifty (50) hours a week, due to his indispensability.
15. The Plaintiff was asked by a supervisor at the Defendant's Waltham branch to work off-the-clock for any time exceeding forty (40) hours so that he would not qualify for overtime, although he was paid by the hour.
16. The Plaintiff adhered to that request.

17. The Plaintiff remained in good health for the first six (6) months of his employment with the Defendant.
18. Due to his Type 1 diabetes, the Plaintiff was required to use insulin two (2) to three (3) times per day on the job.
19. The Plaintiff never needed any additional time or other accommodations to tend to his disability, during the first six (6) months of his employment.
20. During that first six (6) months, the Plaintiff requested and took one (1) day off to attend his brother's wedding on or about April 26, 2003.
21. The Plaintiff had advised a representative of the Defendant Corporation of that wedding, prior to accepting employment there.
22. The Plaintiff made four (4) requests to not be put on the schedule for certain dates and times so that he could attend his routine doctor's appointments, during the first six (6) months of his employment.
23. Throughout the Plaintiff's employment, he received two minor "write-ups", one (1) for missing a Saturday meeting, and one (1) for arriving to work fifteen (15) minutes late.
24. The Plaintiff became ill in July, 2003 with Ketoacidosis, an illness experienced by many Type 1 diabetics.
25. Symptoms of Ketoacidosis include abnormal or excessive thirst, nocturia, and polyuria, as well as possible malaise, nausea, fatigue and confusion.
26. In the six years that the Plaintiff suffered from Type 1 diabetes, he was afflicted with Ketoacidosis approximately five (5) times.

27. The Plaintiff becomes sick to his stomach, cannot walk, has difficulty breathing, shakes and often vomits, due to Ketoacidosis.
28. In July, 2003, the Defendant's Waltham branch was employing three (3) associates and one (1) manager, including the Plaintiff.
29. The Plaintiff requested, on more than one occasion, permission to leave work early due to the fact that he was not feeling well, those requests were denied by his supervisor.
30. The Plaintiff's condition worsened, he was unable to work on one particular day.
31. The Plaintiff complied with the Defendant's guidelines and informed his manager that he would be unable to work, at least one (1) hour before his shift was scheduled to commence.
32. During the month of July, 2003, it was necessary for the Plaintiff to cancel his shift six (6) times due to his aggravated medical conditions.
33. The Plaintiff was unable to work due to his condition, on or about July 27, 2003.
34. The Plaintiff arrived at the Defendant's Waltham branch the following day, his manager, Dave Nolan (hereinafter referred to as "Mr. Nolan"), sent the Plaintiff on an errand to another store and then asked to meet with him.
35. Mr. Nolan explained that he had spoken to the district manager of the Defendant Corporation about the Plaintiff's absences due to his illness.
36. Mr. Nolan stated that he understood that the Plaintiff was sick and that he had diabetes.

37. Mr. Nolan then told the Plaintiff that he was removing him from the daily work schedule.
38. The Plaintiff inquired how long he would be removed from the schedule.
39. Mr. Nolan then stated that the Plaintiff would be removed permanently from the daily work schedule.
40. The Plaintiff then asked if it would be helpful if he brought in doctor's notes to show that he was indeed ill.
41. Mr. Nolan informed the Plaintiff that that would not help.
42. The Plaintiff then inquired if it would be helpful if he called the District Manager directly.
43. Mr. Nolan responded that it would not help and that they could not have him working there.
44. The Plaintiff believed that he was being removed from the schedule temporarily, however, Mr. Nolan informed the Plaintiff that he did not want the Plaintiff to work there any longer and his employment was terminated on July 29, 2003.

**COUNT I
DISCRIMINATION ON THE BASIS OF DISABILITY/HANDICAP IN
VIOLATION OF M.G.L. CH. 151B § 4(16)**

45. The Plaintiff repeats and incorporates by reference all information set forth in Paragraphs 1-44 above as if set forth in their entirety.
46. The Defendant discriminated against the Plaintiff on the basis of the Plaintiff's disability.

47. The Plaintiff suffers from Type I Diabetes, and has suffered from this disability since 1998.
48. The Plaintiff is handicapped within the meaning of M.G.L. Ch. 151B § 1.
49. The Plaintiff is a handicapped person "who is capable of performing the essential functions" of his/her job, or who would be capable of performing them with or without reasonable accommodation to his handicap.
50. The Plaintiff is a qualified handicapped person within the meaning of M.G.L. Ch.151B §1(16).
51. The Plaintiff was terminated by the Defendant Corporation on or about July 29, 2003.
52. The position that the Plaintiff had filled remained open.
53. The Plaintiff made the Defendant Corporation aware of the disability prior to beginning his employment.
54. The Plaintiff made every attempt to follow the Defendant's procedure as it related to providing notice for missed work due to his handicap.
55. Mr. Nolan, an employee of the Defendant Corporation, informed the Plaintiff that the Defendant could not continue to employ him because of his illness which is a handicap pursuant to M.G.L. Ch. 151B§1.
56. As the direct and proximate result thereof, the Plaintiff has incurred lost wages, attorney's fees, costs and expenses, economic injury and other harm.

**COUNT II
WRONGFUL TERMINATION**

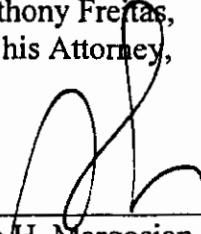
57. The Plaintiff repeats and incorporates by reference all information set forth in Paragraphs 1-56 above as if alleged herein their entirety.
58. The Defendant terminated the Plaintiff's employment on July 29, 2003.
59. The Defendant Corporation was aware of his disability when the Plaintiff was hired.
60. When the Plaintiff became ill, he requested that he be permitted to leave early on occasion and those requests were denied.
61. The Plaintiff's disability did not affect his work performance and when he was able to work, his work was exemplary.
62. The Plaintiff was released because of his disability and for no other reason.
63. The Defendant's actions and inactions are the direct and proximate cause of the Plaintiff's injuries and damages.

As the direct and proximate result thereof, the Plaintiff has incurred lost wages, attorney's fees, costs and expenses, economic injury and other harm.

Wherefore, the Plaintiff requests that this Honorable Court:

- a) Grant a judgment for the Plaintiff against the Defendant on all counts;
- b) Award the Plaintiff damages;
- c) Award the Plaintiff fees, costs and legal expenses; and
- d) Any other award that this Court deems just and proper.

Respectfully Submitted,
PLAINTIFF,
Anthony Freitas,
By his Attorney,

A handwritten signature in black ink, appearing to be 'Ara H. Margosian II', written over a horizontal line.

Ara H. Margosian II
BBO # 560556

The Law Office of Ara H. Margosian II, PC
415 Mt. Auburn Street
Watertown, MA 02472
(617) 926-8944

May 24, 2005

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANTHONY FREITAS

Plaintiff

v.

RADIOSHACK CORPORATION,

Defendants.

Civil Action No.

NOTICE TO COUNSEL OF REMOVAL
OF ACTION TO FEDERAL COURT

To: Ara H. Margosian II, Esq.
415 Mt. Auburn Street
Watertown, MA 02472

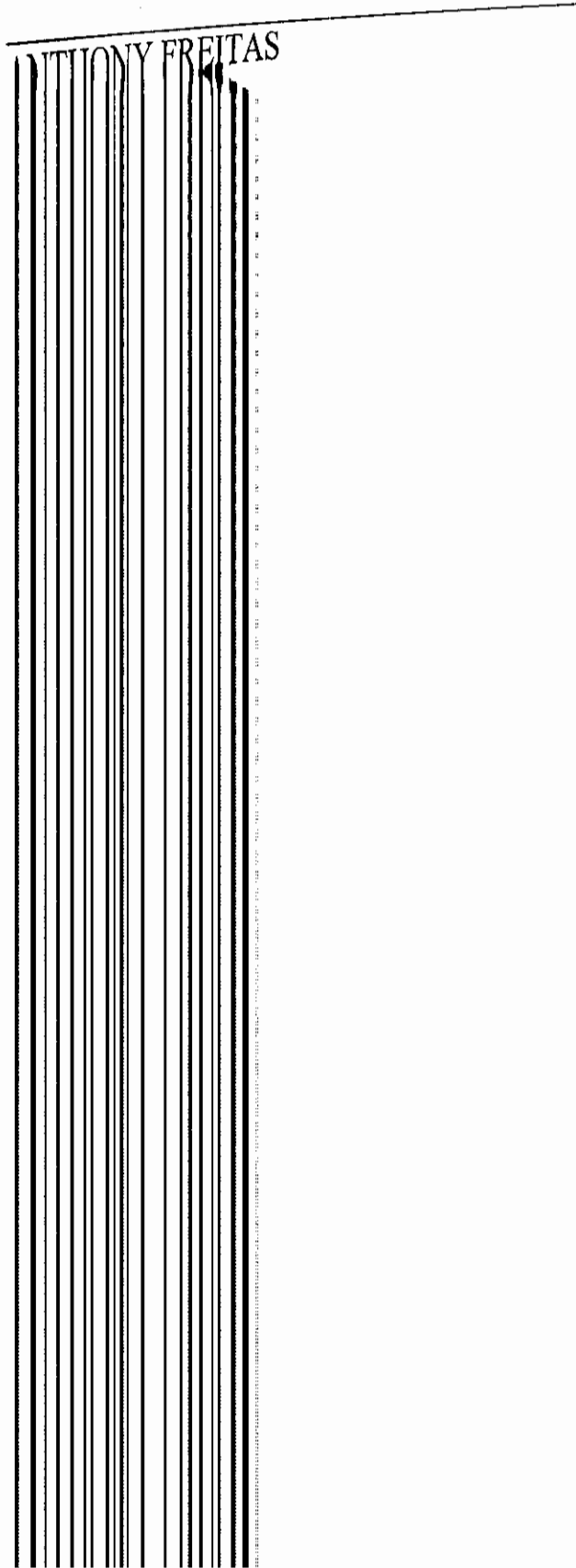
PLEASE TAKE NOTICE that Defendants in the above-captioned matter, have on the 27th day of June, 2005 filed in the United States District Court of the District of Massachusetts their Notice of Removal of the above-styled action from the Superior Court, Middlesex County, Cambridge, Massachusetts (a copy of said Notice is attached hereto) to the United States District Court for the District of Massachusetts, at Boston, Massachusetts, together with copies of the Complaint filed by the Plaintiff in the Superior Court, Middlesex County, Cambridge, Massachusetts.

You are also advised that said Defendants, upon filing said Notice, filed a Notice of Removal to Federal Court with the Clerk, Superior Court, Middlesex County, Cambridge, Massachusetts, and attached thereto copies of the following: (1) Notice of Removal with exhibits attached thereto; and (2) the Notice to Counsel of Removal of Action to Federal Court.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

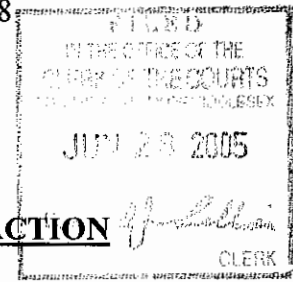
SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

ANTHONY FREITAS
Plaintiff,

v.

RADIOSHACK CORPORATION
Defendant.

Civil Action No. 05-1838



NOTICE OF FILING NOTICE OF REMOVAL OF CIVIL ACTION

PLEASE TAKE NOTICE that Defendants in the above-captioned matter, have on the 27th day of June 2005 filed in the United States District Court of the District of Massachusetts their Notice of Removal of the above-styled action from the Superior Court, Middlesex County, Cambridge, Massachusetts (a copy of said Notice is attached hereto) to the United States District Court for the District of Massachusetts, at Boston, Massachusetts, together with copies of the Complaint filed by the Plaintiff in the Superior Court, Middlesex County, Cambridge, Massachusetts.

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Such action has effected the removal of this action to the United States District Court for the District of Massachusetts, in accordance with the provisions of 28 U.S.C. §§ 1441 and 1446 and no further proceedings may be had in this state court action.

Commonwealth of Massachusetts
MIDDLESEX SUPERIOR COURT
Case Summary
Civil Docket

06/28/2005
02:16 PM

MICV2005-01838
Freitas v Radioshack Corporation

File Date	05/31/2005	Status	Needs review for service (acneserv)
Status Date	05/31/2005	Session	E - Cv E (7B Cambridge)
Origin	1	Case Type	B22 - Employment Discrimination
Lead Case		Track	F

Service	08/29/2005	Answer	10/28/2005	Rule12/19/20	10/28/2005
Rule 15	10/28/2005	Discovery	03/27/2006	Rule 56	04/26/2006
Final PTC	05/26/2006	Disposition	07/25/2006	Jury Trial	Yes

Plaintiff
Anthony Freitas
37 Melvern Street
Active 05/31/2005

Private Counsel 560556
Ara H Margosian II
Margosian Law Offices (Ara H)
415 Mount Auburn Street
Watertown, MA 02472
Phone: 617-926-8944
Fax: 617-926-8942
Active 05/31/2005 Notify

Defendant
Radioshack Corporation
100 Throckmorton Street #1800
Served: 06/07/2005
Served (answr pending) 06/07/2005

Date	Paper	Text
05/31/2005	1.0	Complaint & civil action cover sheet filed
05/31/2005		Origin 1, Type B22, Track F.
06/15/2005	2.0	SERVICE RETURNED: Radioshack Corporation(Defendant), 6/7/05, in hand to J. Boulanger, agent, 84 State St, Boston, MA

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —
TORT — MOTOR VEHICLE TORT — CONTRACT —
EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

2

SUPERIOR COURT
DEPARTMENT
OF THE
TRIAL COURT
CIVIL ACTION
No. 05-1838 E

MIDDLESEX, ss
[seal]

Anthony Freitas, Plaintiff(s)

v.

Radioshack Corporation, Defendant(s)

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon Ara H. Margosian II, P.C.
plaintiff's attorney, whose address is 415 Mt. Auburn
St., Watertown, MA 02472, an answer to the complaint which is herewith
served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you
fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also
required to file your answer to the complaint in the office of the Clerk of this court at Middlesex
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Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's
claim or you will thereafter be barred from making such claim in any other action.

Barbara J. Rouse
Witness, Suzanne V. DeVecchio, Esquire, at
the 3rd day of June
in the year of our Lord 2005

FILED
IN THE OFFICE OF THE
CLERK OF COURTS
FOR THE COUNTY OF MIDDLESEX
JUN 15 2005

Edward J. Sullivan
Clerk

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

CIVIL ACTION COVER SHEET	Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT County: <u>Middlesex</u>	Docket Number 03-1838										
PLAINTIFF(S) <u>Anthony Freitas</u>		DEFENDANT(S) <u>Radioshack Corporation</u>										
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE <u>Ara H., Margosian II, Law Offices of Ara H. Margosian,</u> <u>415 Mount Auburn St., Watertown, MA 02472</u> <u>Board of Bar Overseers number: 560556</u>		ATTORNEY (if known) <u>H. Margosian,</u> <u>(617) 926-8944</u>										
Origin code and track designation Place an x in one box only: <table style="width:100%; border: none;"> <tr> <td style="width:50%; vertical-align: top;"> <input checked="" type="checkbox"/> 1. F01 Original Complaint <input checked="" type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) (F) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X) </td> <td style="width:50%; vertical-align: top;"> <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 &104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X) </td> </tr> </table>			<input checked="" type="checkbox"/> 1. F01 Original Complaint <input checked="" type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) (F) <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 &104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X) <input type="checkbox"/> 6. E10 Summary Process Appeal (X)								
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CODE NO. <u>B22</u>	TYPE OF ACTION (specify) <u>Employment Discrimination (F)</u>	TYPE OF ACTION AND TRACK DESIGNATION (See reverse side) IS THIS A JURY CASE? (XX) Yes () No										
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.												
TORT CLAIMS (Attach additional sheets as necessary)												
A. Documented medical expenses to date: <table style="width:100%; border: none;"> <tr> <td style="width:80%;">1. Total hospital expenses</td> <td style="width:20%; text-align: right;">\$</td> </tr> <tr> <td>2. Total Doctor expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>3. Total chiropractic expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>4. Total physical therapy expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>5. Total other expenses (describe)</td> <td style="text-align: right;">\$</td> </tr> </table>			1. Total hospital expenses	\$	2. Total Doctor expenses	\$	3. Total chiropractic expenses	\$	4. Total physical therapy expenses	\$	5. Total other expenses (describe)	\$
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B. Documented lost wages and compensation to date												
C. Documented property damages to date												
D. Reasonably anticipated future medical and hospital expenses												
E. Reasonably anticipated lost wages												
F. Other documented items of damages (describe)												
G. Brief description of plaintiff's injury, including nature and extent of injury (describe) <u>The Plaintiff was discriminated against and wrongfully terminated by the Defendant due to his handicap.</u>												
		Subtotal \$ \$7,000.00 \$ \$ \$ \$ \$ TOTAL: \$75,000.00 \$79,000.00										
CONTRACT CLAIMS (Attach additional sheets as necessary)												
Provide a detailed description of claim(s):												
		TOTAL \$										
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT												
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."												
Signature of Attorney of Record <u>[Signature]</u>		DATE: <u>5/24/05</u>										

Commonwealth of Massachusetts

County of Middlesex

The Superior Court

CIVIL DOCKET# MICV2005-01838-E

RE: Freitas v Radioshack Corporation

TO: Ara H Margosian II, Esquire
Margosian Law Offices (Ara H)
415 Mount Auburn Street
Watertown, MA 02472

TRACKING ORDER - F TRACK

You are hereby notified that this case is on the **fast (F) track** as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION

DEADLINE

Service of process made and return filed with the Court	08/29/2005
Response to the complaint filed (also see MRCP 12)	10/28/2005
All motions under MRCP 12, 19, and 20 filed	10/28/2005
All motions under MRCP 15 filed	10/28/2005
All discovery requests and depositions completed	03/27/2006
All motions under MRCP 56 served and heard	04/26/2006
Final pre-trial conference held and firm trial date set	05/26/2006
Case disposed	07/25/2006

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to session E sitting in Rm 7B (Cambridge) at Middlesex Superior Court.

Dated: 06/01/2005

Edward J. Sullivan
Clerk of the Courts
BY: Arthur B. Sutherland
Assistant Clerk

Location: Rm 7B (Cambridge)
Telephone: 617-494-4010 EXT 4254